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Rep. 575; *Town of Rockingham v. Mount Holly*, 26 Vt. 653; *Adams v. Adams*, 36 Ga. 236; *Graham v. Bennet*, 2 Cal. 503; *Matter of Celina*, 7 La. 162; *Jackson's Administrators v. Moore et ux.*, 38 (8 Dana) Ky. 170; *Blythe v. Ayres*, 96 Cal. 532, 19 L. R. A. 40, as heir under statute. On legitimation the child is subject to the custody and control of the father to the same extent as in the case of a legitimate child. 5 Cyc. 647. Apparently contra: *Lawson v. Scott*, 1 Yerg. (Tenn.) 92. The holding in this case is to the effect that the mother of an illegitimate child, if able to support it, is entitled to its custody, and the court has no power to place it under the control of the reputed father after it has been, upon his application, legitimated and made his heir. In the principal case the court held, notwithstanding an express statute to the effect that the mother of an illegitimate child is entitled to its custody and earnings, that a child is primarily a ward of the state, and the state has power to legislate for its welfare; hence the sovereignty having power to say that the mother of an illegitimate unmarried child is entitled to its custody, services and earnings had an equal power to place a limitation upon such right, one of the limitations being contained in the section under which the father acted. The primary question in such a case is the welfare of the infant, and if he remained in his father's house he would be surrounded by conditions which would relieve him entirely of stigma and give him a social standing.

QUIETING TITLE—INJUNCTION PENDENTE LITE.—An action was brought to quiet the title to a tract of land to which the plaintiff and the defendant each claimed title and possession. The defendant filed an affidavit in which he alleged that a few months previously the plaintiff had cut logs on the land in question and that the defendant was informed and believed that he threatened to cut more; the defendant then asked for an injunction *pendente lite*. The plaintiff in a counter-affidavit admitted the earlier acts, but denied that he intended to cut more logs before the case was settled. Held, that an injunction *pendente lite* issue. *Castelbury v. Harte* (1908), — Idaho —, 98 Pac. 293.

AILSHIE, C.J., dissents on the ground that the court should not enjoin acts which the plaintiff denied that he intended to commit. In this view he is supported by 16 AM. & ENG. ENCY. OF LAW, Ed. 2, p. 345; and by 22 Cyc., p. 741. *Marshall v. Turnbull et al.*, 32 Fed. 124, is to the same effect. The dissenting opinion is strengthened by the fact that acts the plaintiff might commit would be done under claim of title and possession. Under similar circumstances permanent injunctions were refused in *Shreve v. Black et al.*, 4 N. J. Eq. 177; *Powell v. Rawlings*, 38 Md. 239; *Smith v. Collyer*, 8 Ves. Jr. (Eng.) 89; 1 HIGH, INJUNCTIONS, Ed. 3, p. 521, is in accord with these authorities. The reason for the majority opinion is that the plaintiff can easily change his intention, and in so doing bring injury to the defendant, while the injunction can issue without doing material harm to the plaintiff. The plaintiff denied that he intended to cut more logs. The court was hardly justified in issuing the injunction in the face of this denial merely because the plaintiff had cut logs several months earlier, and the defendant alleged on information and belief that he would do so again.